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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/509,204      | 07/06/2000  | HANS-DIEDRICH KREFT  | P00.0502            | 8965             |

7590 07/06/2004

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EXAMINER

HA, LEYNNA A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2135

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DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/509,204

Applicant(s)

KREFT, HANS-DIEDRICH

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

1. Claims 33-64 have been examined and are rejected under 35 U.S.C. 102(e).

### ***Claim Rejections - 35 USC § 102***

*The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis rejections under this section made in this Office action:*

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application for patent by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

*The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).*

2. **Claims 33-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Cook, (US 6,606,479).**

#### **As per claim 33:**

A method for audio-visual presentation of data and/or programs that are used by user communicative networks for the transmission and/or presentation of audio-visual data

and/or programs, upon employment of an electrical device having an optical and/or acoustic display means such as picture screen and/or loudspeaker for audio-visual presentation of these data and/or programs, comprising the steps of:

- 1) requesting individual assistance by the user of the device and/or network that is generated by the program; **[COL.4, lines 44-56 and COL.32, lines 41-45]**
- 2) selectively producing the individual assistance **[COL.12, lines 27-36]**, according to user requests, produced in the form of a neutral-virtual person, being audio visually produced on one or more devices by the programs **[COL.5, lines 46-64]** and/or being transmitted by network to remote devices; **[COL.15, lines 47-66 and COL.20, lines 5**
- 3) simulating the neutral-virtual person for assisting the user in his individual use of device and/or network on the device in audio-visual presentation with properties that simulate the spatial behavior of natural persons; **[COL.14, lines 19-43 and COL.23, 1**  
**10-11]**
- 4) unambiguously allocating a specific, individual-virtual person to a specific user **[COL.12, lines 24-27]** and/or a group of users **[COL.53, lines 3-7 and 57-60]** by an identifier and/or encoding and/or program **[COL.26, lines 1-5 and 22-29]**, whereby t input of the identifier ensues via an input means into which information are input acoustically or optically or mechanical or tactilely with optical or acoustic or tactile de or a keyboard; **[COL.17, lines 28-42]**
- 5) only activating the individual-virtual person on the device and/or in the network du a time span  $\Delta t$  that is determined by the identification of the user with his specific fea

or features **[COL.24, lines 30-39]**, his specific identifier or identifiers via a repeated interrogation in the input device; and **[COL.27, line 43 thru COL.28, line 17]**

6) authenticating the individual-virtual person in terms of its action by the user for on more users during the time span  $\Delta t$ . **[COL.43, line 47 thru COL.44, line 15]**

**As per claim 34:**

A method including the steps of:

- 1) requiring a compilation and/or joining of sub-programs and data that are locally pr in various devices or memories or are present locally separated in the device for audio-visual presentation of the individual-virtual person; **[COL.55, lines 32-39]**
- 2) activating the sub-programs with a feature and/or its own, specific encoding or wit shared, uniform code/feature; **[COL.25, lines 25-33 and COL.26, lines 6-19]**
- 3) automatically repeatedly interrogating the code by the individual-virtual person and generating said code only during the time span  $\Delta t$ ; **[COL.25, lines 34-46 and COL.27 lines 52-56]**
- 4) preventing the joining, compiling and/or keeping active the sub-programs given fai of the code to arrive. **[COL.25, lines 47-51]**

**As per claim 35:**

Lemelson discusses 1) the neutral-virtual person has data available that are available an unprotected data inquiry and has data available that are exclusively available for a protected data inquiry **[COL.12, lines 40-56]**; 2) whereby the unprotected data are presented by the neutral-virtual person given an inquiry at the device **[COL.26, lines 1 15]**; 3) whereby the neutral-virtual person has properties available that are the same

plurality of neutral-virtual persons **[COL.26, lines 57-67]**; 4) whereby the neutral-virt person is authorized vis-à-vis a data inquiry only for a behavior that is restricted comp to the authentic individual-virtual person. **[COL.12, lines 24-39]**

**As per claim 36:**

A method including the steps of:

- 1) displaying the individual-virtual person on a picture screen or a display means of a home computer and/or PC; **[COL.17, lines 28-41]**
- 2) allocating the individual-virtual person to the user by a specific encoding and/or a program; **[COL.24, lines 50-56]**
- 3) integrating the input device as a device part in the home computer and/or PC. **[CO lines 55-56]**

**As per claim 37:** see COL.20, lines 55-56; discussing the individual-virtual person appearing on a home computer or PC assumes the jobs that are implemented by opera systems on the basis of user interfaces.

**As per claim 38:** see COL.24, lines 20-29; discussing parts of the user interface of an operating system are supplemented by an individual virtual person.

**As per claim 39:** see COL.17, lines 28-42; discussing simultaneously with the appea of the individual-virtual person on the picture screen or the display means of the hom computer and/or of the PC, an information appears that can be read and/or heard or interpreted in some other way by a person.

**As per claim 40:**

Discussing a method including the steps wherein

- 1) a first neutral-virtual person, that belongs to a group of different neutral-virtual persons with comparable programs and/or data and/or features appears first in time on the desktop or home computer or PC; **[COL.15, lines 45-60 and COL.20, lines 63-67]**
- 2) this neutral-virtual person additionally assumes programs and/or data and/or features at the later point in time of the authentication in the input device that lead to a specific embodiment of the neutral-virtual person; **[COL.24, lines 20-39]**
- 3) this neutral-virtual person becomes the individual-virtual person. **[COL.25, lines 4 and COL.26, lines 32-40]**

**As per claim 41:** see COL.25, lines 16-49; discussing the interrogation of data and/or programs allocated to the individual-virtual person is only possible for data and/or programs that have arisen before a point in time or within a time span  $\Delta t$  and is inhibited for all further data and/or programs that have arisen after this point in time or beyond time span.

**As per claim 42:**

A method including the steps wherein

- 1) the input device can identify more than one natural person in its limited, spatial environment on the basis of optical and/or acoustic sensors; **[COL.17, lines 28-42]**
- 2) the individual-virtual person is presented for the person only to a limited extent on display means of the device during the time at least two natural persons are identified **[COL.26, lines 32-37]**

3) this restricted, individual-virtual person has only a part of the features, programs and/or data available to it that the complete individual-virtual person has available to  
**[COL.25, lines 50-54]**

**As per claim 43:**

A method including the steps wherein

1) a local, individual-virtual person exists; **[COL.14, lines 39-40]**

2) this local, individual-virtual person is a restricted, individual virtual person and is presented for persons on and/or in the local display means of the audio-visual device;  
**[COL.23, lines 10-12]**

3) the local, individual-virtual person is defined with its features, programs and/or data properties and/or encodings which a device has locally available to it during the time  $\Delta t$ , said device calling and/or presenting the restricted, individual-virtual person. **[COL lines 29-54]**

**As per claim 44:** see COL.17, lines 367-42; discussing individual-virtual person app as a participant for natural persons in a game on the display means of the audio-visual device and/or PC and/or home computer.

**As per claim 45:** see COL., lines ; discussing an individual-virtual person simulates a teacher for the communication of lesson contents for a student.

**As per claim 46:** see COL., lines ; discussing the audio visual device is connected to means for generating the individual-virtual person, said means automatically receiving and/or programs from satellites.



**As per claim 47:**

A method including the steps wherein a neutral-virtual person is mixed into the execution sequence of programs, wherein the program represents sequences of actions, comparable to films; **[COL.43, lines 25-30]** the neutral-virtual person can be replaced by an individual-virtual person wherein the individual-virtual person assumes the predetermined action role of the virtual person. **[COL.43, lines 45-63]**

**As per claim 48:**

A method including the steps wherein an individual-virtual person is transmitted to remote devices via a communicative network **and** the individual-virtual person implements specific operations and/or device settings in the remote devices; **[COL.20, lines 54-63]** the operations and/or device settings correspond to those that a natural person has initiated for an individual-virtual person via setting and/or programming. **[COL.14, lines 19-43]**

**As per claim 49:** see COL.14, lines 19-43 and COL.20, lines 54-67; discussing an individual-virtual person carries out tasks in a device remote from the location of the user; the device has technical devices available to it that can acquire data and/or programs from the remote environment; the acquired and/or programs are transmitted to the location of the user; the remote data and/or programs are edited at the location of the user; the user encounters an audio-visual environment that corresponds to the remote environment.

**As per claim 50:** see COL.14, lines 19-43; discussing an individual-virtual person has a proposal list of behaviors and/or settings available to it, user determines the settings by selection, and the individual-virtual person is lent specific properties.

**As per claim 51:** see COL.53, lines 3-7; discussing a first natural person communicate with a second natural person via an individual virtual person.

**As per claim 52:** see COL.22, lines 27-32; discussing a first natural person communicate with an individual-virtual person in a first natural language and the individual-virtual person communicates with a second natural person in a second natural language.

**As per claim 53:** see COL.24, lines 20-55; discussing an individual-virtual person has specific encodings available and the encoding allow the individual-virtual person to access specific protected data and/or program areas.

**As per claim 54:** see COL.20, lines 63-67; discussing a plurality of individual-virtual persons are present at the same time in a device at a location and a virtual meeting of virtual persons is produced during the time  $\Delta t$ .

**As per claim 55:** see COL.20, lines 54-67 and COL.32, lines 58-63; discussing using individual-virtual person via the communicative network or, respectively, device at the location B for remote diagnosis of the condition of a natural person at a location A, the natural person to be diagnosed is located at the location B, the natural person at the location A controls the replies of the individual-virtual person at the location B via the communicative network or, respectively, device.

**As per claim 56:** see COL.55, lines 32-45; discussing providing a virtual person as a virtual diagnostician for diagnosis via the communicative network or, respectively, device; an individual-virtual diagnostician has information available that are allocated to a specific user; and when this virtual diagnostician is called, this is available to the user/caller with specific information during the time span  $\Delta t$ .

**As per claim 57:** see COL.20, lines 54-67; discussing permitting a specific geometrical area of an individual virtual person to be optically/graphically touched by mouse pointer and displaying data/program/graphics that are characteristic of the touched, geometrical region.

**As per claim 58:** see COL.55, lines 32-45; discussing activating programs via an individual-virtual person; interrogatory/collecting data via these activated programs from a plurality of individual-virtual persons with the communicative network or, respectively devices; and wherein automated, statistical data collections about individual-virtual persons are possible.

**As per claim 59:** see COL.17, lines 37-42; discussing connecting an individual-virtual person to devices by electromagnetic data communication; the devices being worn by a user; and the individual-virtual person processing the data that derive from the device worn by the user.

**As per claim 60:**

A method including the steps of

- 1) localizing a combination of devices at a remote location at which cards such as chip cards are edited for issue, are produced according to individual user requests, are provided/loaded with data and/or programs for one or more persons; **[COL.17, lines 3-19]**
- 2) selectively making present one or more electronic communication channels to the remote devices; **[COL.23, lines 5-19]**
- 3) making available the cards, devices, programs at the remote location to one or more users via electronic communication possibilities; **[COL.20, lines 54-63]**

- 4) producing new cards at the remote location according to individual user requests;
- 5) sending the cards to the user or picking up the cards by the user after being produ

**[COL.3, lines 8 and COL.15, lines 1-3]**

- 6) making a request by the user of an individual assistance via the electronic communication possibilities; **[COL.32, lines 41-45]**

- 7) making available the individual assistance, based on the request of the user, is ma available by a natural person, and/or in the form of a program, and/or in the form of virtual person. **[COL.31 lines 20-25]**

**As per claim 61:** see COL.56, lines 30-31; discussing erasing information as generate the input device for authentication to arrive, data holdings and/or programs that hav characterized or, respectively, defined individual-virtual persons given the failure of da

**As per claim 62:**

An electrical device for audio-visual presentation of data and/or programs that are use users in communicative networks or the transmission and/or presentation of audio-vi data and/or programs, whereby the device comprises an optical and/or acoustic displ means such as picture screen and/or loudspeaker for audio-visual presentation of the data and/or programs, comprising

- 1) means whereby a user of the device and/or network can request an individual assistance that is generated by a program; **[COL.32, lines 41-45]**
- 2) whereby the individual assistance, based on user requests, is selectively produced form of a neutral-virtual person by the programs **[COL.12, lines 27-36]**, being audio-visually **[COL.5, lines 46-64]** produced on one or more devices and/or being

transmitted to remote devices by the network; **[COL.15, lines 47-66 and COL.20, line 54-62]**

3) whereby the neutral-virtual person for assisting the user in his individual use of the device and/or of the network is simulated on the device in audio-visual presentation with characteristics that simulate the spatial behavior of natural persons; **[COL.14, lines 1**

4) whereby a specific user and/or a group of users has a specific, individual-virtual person allocated to it unambiguously by an identifier and/or encoding and/or program **[COL. lines 1-37]**, and the input of the identifier ensues via an input device into which information are input acoustically or optically or mechanically or tactilely with optical acoustic or tactile devices or a keyboard; **[COL.17, lines 28-42]**

5) whereby the individual-virtual person is only activated on the device and/or in the network during a time span  $\Delta t$  that is determined by the identification of the user with specific feature/features, his specific identifier/identifiers via a repeated interrogation the input device; **[COL.25, lines 25-33 and COL.26, lines 6-19]**

6) wherewith the individual-virtual person is authenticated in terms of its actions by the user for one or more users during the time span  $\Delta t$ . **[COL.25, lines 34-46 and COL.2 lines 52-56]**

**As per claim 63:**

A device wherein

1) a combination of devices is localized at a remote location at which cards such as chips are edited for issue, are produced according to individual user requests, are provided/loaded with data and/or programs for one or more persons; **[COL.15, lines 1**

2) whereby, optionally, one or more electronic communication channels are present to remote devices; **[COL.20, lines 54-60]**

3) whereby the cards, devices, programs at the remote location are made available to or more users via electronic communication possibilities; **[COL.20, lines 63-67]**

4) whereby new cards are produced at the remote location according to individual use requests; 5) whereby the cards are handed over to the user after being produced; **[COL lines 13-26]**

6) whereby an individual assistance can be requested by the user via the electronic communication possibilities; and 7) whereby the individual assistance, based on the request of the user, is optionally performed by a natural person, and/or in the form of program, and/or in the form of the virtual person. **[COL.10, lines 33-38 and COL.44 lines 23-28]**

**As per claim 64:**

A device wherein 1) a first part of the device is a card magazine for keeping different, non-personalized chip cards on hand; 2) whereby the properties of a chip card can be defined by the user; 3) whereby the user makes use of a virtual person for determining/producing the use of the chip card **[COL.26, lines 9-45]**

**Conclusion**

Any inquiry concerning this communication or earlier communications from examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-  
The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the exam supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the P Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions about access to the Private PAIR system, contact the Electronic Business Center (EBC) at 217-9197 (toll-free).

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